



**STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL**

REPORT NO. 7 TO THE 1999 LEGISLATURE

LEGISLATION ON THE CHILDREN AT RISK PROGRAM

1999 SENATE BILL 241,	Relating to Programs for Children At Risk of Not Graduating From High School
1999 SENATE BILL 242,	Relating to Planning Grants for Retained Fourth Graders and Making an Appropriation

Legislative Council Staff
October 7, 1999

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JOINT LEGISLATIVE COUNCIL
REPORT NO. 7 TO THE 1999 LEGISLATURE*

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PART I

**KEY PROVISIONS OF LEGISLATION; COMMITTEE
AND JOINT LEGISLATIVE COUNCIL VOTES**

**A. 1999 SENATE BILL 241, RELATING TO PROGRAMS FOR CHILDREN AT RISK OF
NOT GRADUATING FROM HIGH SCHOOL**

1999 Senate Bill 241 contains a series of changes to the current children at risk statute to focus funding on specific programs designed to serve students at risk of not graduating from high school.

- **Revised Focus**

The bill's revised program focuses on children at risk of not graduating from high school, requires school districts participating in the program to designate specific recipients for at-risk funding and requires those districts to give preference to programs provided by alternative schools, charter schools, schools within schools and private, nonprofit or nonsectarian agencies.

- **Voluntary Participation**

The bill makes participation permissive for any school district that had 30 or more dropouts or a dropout rate that exceeded 5% of its total enrollment in the previous school year. Changes are made in the law to focus on smaller programs and also to modify the objectives which pupils must meet in the school district in order to qualify for at-risk funding.

- **Audit**

The bill requires the Legislative Audit Bureau (LAB) to audit the programs funded under the Children At Risk Program by January 1, 2005 to determine the extent to which these programs meet the statutory objectives.

- **Funding**

The bill does not increase the current funding for the statewide program despite the conclusion of the Committee that the need for such programs far outpaces the funding allocated. The bill refocuses the current funding on specific programs with measurable goals. The Committee anticipates that if the results warrant additional funding, that funding will be provided in the future.

- **Votes**

By a mail ballot, dated April 29, 1999, the Special Committee on the Children At Risk Program voted to recommend LRB-2552/1 (formerly LRB-2552/P3), relating to programs for children at risk of not graduating from high school by a vote of Ayes, 15 (Sens. Rosenzweig and

Jauch; Reps. Coggs, Olsen and Stone; and Public Members Anderson, Brzezinski, Coffey, Flashinski, Grego, Johnson, Kao, McLean, Notestein and Olufs); Noes, 0; and Not Voting, 1 (Public Member Brickl).

At its September 22, 1999 meeting, the Joint Legislative Council voted to introduce 1999 Senate Bill 241 (LRB-2552/1) by a vote of Ayes, 19 (Sens. Risser, Burke, Chvala, Cowles, Erpenbach, Grobschmidt, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Gard, Huber, Jensen, Krug, Schneider, Seratti and Stone); Noes, 1 (Sen. Ellis); and Absent, 2 (Sens. George and Robson).

B. 1999 SENATE BILL 242, RELATING TO PLANNING GRANTS FOR RETAINED FOURTH GRADERS AND MAKING AN APPROPRIATION

1999 Senate Bill 242 establishes a planning grant program for pupils retained in the fourth grade. The bill appropriates \$300,000 in fiscal year 2000-01 to the Department of Public Instruction (DPI) to be used for grants to school districts and cooperative educational service agencies (CESAs) to plan appropriate programs for fourth grade pupils who have failed to be promoted to the fifth grade.

By a mail ballot, dated April 29, 1999, the Special Committee on the Children At Risk Program voted to recommend LRB-2553/1 (formerly LRB-2553/P2), relating to planning grants for retained fourth graders and making an appropriation by a vote of Ayes, 15 (Sens. Rosenzweig and Jauch; Reps. Coggs, Olsen and Stone; and Public Members Anderson, Brzezinski, Coffey, Flashinski, Grego, Johnson, Kao, McLean, Notestein and Olufs); Noes, 0; and Not Voting, 1 (Public Member Brickl).

At its September 22, 1999 meeting, the Joint Legislative Council voted to introduce 1999 Senate Bill 242 (LRB-2553/1) by a vote of Ayes, 13 (Sens. Risser, Burke, Chvala, Erpenbach, Grobschmidt, Rosenzweig and Zien; and Reps. Kelso, Bock, Freese, Huber, Schneider and Stone); Noes, 7 (Sens. Cowles and Ellis; and Reps. Foti, Gard, Jensen, Krug and Seratti); and Absent, 2 (Sens. George and Robson).

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The Joint Legislative Council established the Special Committee on the Children At Risk Program and appointed its chairperson by a mail ballot dated June 24, 1998. The Special Committee was directed to review the Children At Risk Program under s. 118.153, Stats., including the program's focus, scope and coverage; funding structure; state-level oversight; and the possibility of greater utilization of private agency services as a means of achieving program objectives.

The membership of the Special Committee was appointed by August 21 and September 4, 1998 mail ballots. The membership (with changes that reflect two members of the Assembly leaving the Legislature, one of whom continued on as a public member of the Committee, and appointments to replace two public members who were unable to serve) consisted of two Senators, three Representatives and 10 public members. A list of the Committee membership is included in **Appendix 2**.

B. SUMMARY OF MEETINGS

The Special Committee held five meetings. Except as indicated, all meetings were held at the State Capitol in Madison on the following dates:

September 25, 1998	January 29, 1999
October 22, 1998 (Milwaukee)	March 8, 1999
December 3, 1998	

At the September 25, 1998 meeting, the Special Committee received testimony from Janice Mueller, State Auditor, and Robin Lecoanet, Senior Legislative Analyst, LAB. Ms. Mueller explained the history of the Children At Risk Program. She said that given the current structure of the Children At Risk Program, it may not be possible to determine its effect on individual students' performance. She said that due to the inability to determine the effect the program has had on student performance, the LAB recommends elimination of the program. She suggested that there is a need to stop criticizing the program and to find solutions to the dropout rate problem and, to this end, she offered several options for the Committee to consider.

Nancy Holloway, Executive Assistant to the State Superintendent, and Mike Thompson, Director, DPI Student Services, Prevention and Wellness, also addressed the Committee. Ms. Holloway distributed materials showing the final children at risk aid computations for 1997-98 and a safe school initiative, proposed by DPI, to be funded by the reallocation of funds from the Children At Risk Program appropriation. Mr. Thompson said that, upon review of the options for changes set forth in the audit, DPI had taken the position that it does not support eliminating

the funding available for the program but does support fundamental changes in the program. During Committee discussion of the DPI proposal, concerns were expressed by members that expanding the programs eligible for participation without expanding the funding would have an adverse effect on at risk programs.

The October 22, 1998 meeting was a public hearing in Milwaukee at which the Committee received testimony from invited persons. The Committee heard from Marsha Spector, Administrator, Grandview Alternative School; Dr. Alan Brown, Superintendent, Milwaukee Public Schools (MPS); representatives from MPS Alternative Programs and Partnership Programs; Dr. Howard Fuller, Marquette University; Janice Ereth, Milwaukee; Debra Kenner, Milwaukee Education Trust; and the following representatives from MPS alternative programs and partnership programs: Spotted Eagle High School (Carol Sample, Administrator and Dan Peerenboom, Principal); Northwest Opportunity Vocational Academy (Felita Daniels Ashley, Administrator); Learning Enterprise High School (Kathy Harrell-Patterson, Administrator); Lady Pitts School Age Parent Program (Sheila Harris, Administrator); Project Stay, Alternative Information Center (Gary Finch, Administrator); El Puente High School (Rebecca Mittness-Wendel, Administrator); and Shalom High School (Jean Williams, MPS on-site teacher). This testimony which was received at a site of an at risk program was extremely compelling and informative. Students and staff presented convincing evidence that programs built around small program and class size, combined with personal attention, were essential in helping at risk students succeed.

At its December 3, 1998 meeting, the Committee received testimony from Nan Brien, Associate Director, Wisconsin Council on Children and Families; Calvin Stone, Madison Public Schools Coordinator, Accelerated Learning Academy; Mary M. Bruyette and LuAnn Coenen, Appleton Central Alternative High School; Tom Joynt, Green Bay School District Administrator; Katie Stout, Wisconsin Education Association Council; and John Gaier, Neilsville School District Administrator. This testimony focused on the importance of early learning opportunities and reinforced testimony from earlier meetings emphasizing the positive results obtained from programs founded on small program and class sizes in conjunction with increased personal attention. At this meeting, the Committee began its discussion of its assignment and the testimony it had received regarding the Children At Risk Program. Based on the discussion, the Committee requested that staff prepare a memorandum (Memo No. 2) that would put the suggestions offered at this meeting regarding the Children At Risk Program into a format that would facilitate discussion of these options at the next meeting of the Special Committee.

At the January 29, 1999 meeting, the Committee discussed Memo No. 2, which provided information and options for legislation regarding some of the issues that had been raised in the Special Committee's meetings or that had been forwarded by Committee members to the chairperson of the Committee. Following extensive discussion, the Committee requested that staff prepare preliminary drafts for consideration by the Committee at its next meeting.

At the March 8, 1999 meeting, the Committee reviewed WLCS: 0062/P1, a preliminary draft of the revision of the children at risk statute which highlighted the choices the Committee had to make when considering the proposal. The draft was supplemented by Memo No. 3, which described WLCS: 0062/P1, relating to revising the children at risk statute. Also reviewed at this meeting was WLCS: 0063/P1, relating to creating planning grants for students retained in

fourth and eighth grade. The Committee reviewed both drafts and directed the staff to make changes. Subsequently, the drafts were revised to reflect the decisions made by the Committee at the meeting and sent out for a vote by mail ballot.

C. STAFF MATERIALS AND OTHER MATERIALS

Appendix 3 lists all of the materials received by the Special Committee on the Children At Risk Program. In addition to these listed materials, Legislative Council Staff prepared several bill drafts for the Special Committee and a summary of each of the Special Committee meetings. The following document, prepared by the Legislative Council Staff, may be of particular interest to persons interested in the work of the Committee:

- Memo No. 1, *Wisconsin Children At Risk Program* (September 11, 1998).

PART III

BACKGROUND; DESCRIPTION OF BILLS

This Part of the Report provides background information on, and a description of, the bills recommended by the Special Committee on the Children At Risk Program.

A. 1999 SENATE BILL 241, RELATING TO PROGRAMS FOR CHILDREN AT RISK OF NOT GRADUATING FROM HIGH SCHOOL

1. Background

Based on a thorough review of the Children At Risk Program, the multiple audits by the LAB and information gathered during the study process, the Committee determined that the Children At Risk Program should be retained, but substantially revised. The Committee agreed that the program, in order to be successful, should:

- a. Refocus limited children at-risk resources on students at risk of not graduating from high school.
- b. Increase local school district management decisions.
- c. Improve accountability of the program.

The Committee's recommendations focus specifically on children at risk of not graduating from high school. The Committee's recommendations also provide funding preference for smaller programs in alternative settings such as charter schools and schools within schools.

Under the Committee's recommendations, participation in the program would be voluntary rather than required for certain districts with higher dropout rates. The revised program provides school districts the authority to allocate children at risk funds to specific district programs and requires evaluation of the program based on the success of those specific district programs.

2. Description of the Bill

The bill makes a series of changes to the current children at risk statute to focus funding on specific programs designed to serve students at risk of not graduating from high school. The bill does not increase the current funding of \$3.5 million annually for the program despite the conclusion of the Committee that the need for such programs far out paces the funding allocated. The bill reflects the approach of refocusing the current funding on specific programs with measurable goals in anticipation that if the results warrant additional funding, those funds will be provided in the future. The bill makes the following modifications in current law:

a. The name of the program is changed from “children at risk” to “children at risk of not graduating from high school” to reflect the refocusing of the program.

b. The definition of children at risk is changed. Currently “children at risk” is defined under s. 118.153 (1) (a), Stats., to mean pupils in grades 5 to 12 who are one or more years behind their age group in the number of high school credits attained, or two or more years behind their age group in basic skill levels, and are also one or more of the following: (1) dropouts; (2) habitual truants; (3) parents; or (4) adjudicated delinquents. The bill revises this definition to provide that children at risk means pupils in grades 5 to 12 who are at risk of not graduating from high school because they failed the high school graduation exam administered under s. 118.30 (1m) (d), Stats., are dropouts, or are two or more of the following:

(1) One or more years behind their age group in the number of high school credits attained.

(2) Two or more years behind their age group and basic skill levels.

(3) Habitual truants.

(4) Parents.

(5) Adjudicated delinquents.

(6) Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1., Stats., was below the basic level, eighth grade pupils who failed the examination under s. 118.30 (1m) (am) 2., Stats., and eighth grade pupils who failed to be promoted to the ninth grade.

c. Participating school districts are required to specify the specific amount given to each program based on the ability of that program to meet specified statutory objectives. The bill requires a school board receiving funds to give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and private, nonprofit, nonsectarian agencies located in the school district or within five miles of the boundaries of the school district. The bill also provides a specific definition of the terms “alternative school” and “school within a school.” An “alternative school” is defined to mean a public school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and offers a nontraditional curriculum. A “school within a school” is defined to mean a school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and is housed in the space specifically dedicated to it in a public school.

d. Under current law, any school that had 50 or more dropouts and a dropout rate exceeding 5% of its total enrollment is required to apply to the state superintendent for children at risk aid. The bill makes participation by a school district *permissive* for any school district that had **30** or more dropouts *or* a dropout rate that exceeded 5% of its total enrollment in the previous school year.

e. Under current statutes, the program for children at risk must be designed to allow pupils enrolled to meet high school graduation requirements under s. 118.33, Stats. The statutes also currently provide that the school board of the school district operating under ch. 119 (Milwaukee) shall ensure that there are at least 40 pupils and no more than 200 pupils in each program and that a separate administrator or teacher is in charge of each program. The bill modifies the allowable size of the Milwaukee programs to require at least 30 pupils and no more than 250 pupils in each program.

f. Under current law, schools are entitled to receive an additional 10% of the school district's average per pupil aids for each at risk pupil who meets at least three of the following statutory objectives:

- (1) The pupil's attendance was at least 70%.
- (2) The pupil remained in school.
- (3) The pupil, if a high school senior, received a high school diploma.
- (4) The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than the entire school year.
- (5) The pupil demonstrated, on standardized tests or other appropriate measures, at least one month's gain in reading and mathematics for each month of enrollment.

The bill modifies item (3), above, by adding additional language providing that the criteria would also be met if the pupil has passed the high school graduation examination administered under s. 118.30 (1m) (d), Stats. The bill also amends item (5), above, to provide that the criterion is met if the pupil has demonstrated on standardized tests or other appropriate measures a gain in reading and mathematics commensurate with the duration of his or her enrollment in the program. Each pupil is still required to achieve at least three of the specified objectives.

g. Current law requires the LAB to conduct an audit every two years regarding the eligibility, performance criteria and state aid payments under the program. This bill provides that by January 1, 2005, the LAB shall audit the programs funded under the Children At Risk Program to determine the extent to which they meet the objectives specified under s. 118.153 (4) (c), Stats., discussed above.

B. 1999 SENATE BILL 242, RELATING TO PLANNING GRANTS FOR RETAINED FOURTH GRADERS AND MAKING AN APPROPRIATION

1. Background

During its deliberations, the Special Committee discussed a number of options for supporting school district efforts to intervene earlier in a child's education. As noted above, the primary emphasis of the Committee was to refocus the limited resources available on those

students at risk of not graduating from high school. However, the Committee was also concerned with the prospect of fourth graders being retained in grade, recognizing the increased likelihood that such students will ultimately drop out or will be unable to complete their high school education. This concern was further heightened by the prospects of fourth grade students failing to pass a promotion-to-fifth-grade test scheduled to be required by the school year 2003.

Although it appears now that other legislation will modify the “high stakes” nature of this test, it is still probable that a greater number of fourth graders will be retained than has been the case in the past. As a result, the Special Committee concluded that school districts should begin to plan for and anticipate problems and issues that may arise as a result of the retention of these fourth graders. The Special Committee did not feel that school districts should be compelled to plan for these retentions; rather, it concluded that a permissive grant program that would make planning grants available would be the most effective way to proceed.

2. Description of the Bill

The bill establishes a planning grant program for pupils retained in the fourth grade. Specifically, the bill appropriates \$300,000 in fiscal year 2000-01 to the DPI to be used for grants to school districts and CESAs to plan appropriate programs for fourth grade pupils who have failed to be promoted to the fifth grade. These grants must be awarded on a competitive basis and individual grants may not exceed \$10,000. In addition, under the bill, each grant recipient must submit a report to the State Superintendent of Public Instruction on the plans developed with the funds and the State Superintendent is authorized to publish those plans.

The appropriation for this program is derived from general purpose revenues and is established as an annual program.

RW:SPH:tlu:rv;wu

APPENDIX 1

JOINT LEGISLATIVE COUNCIL

s. 13.81, Stats.

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APPENDIX 2

**CHILDREN AT RISK PROGRAM,
SPECIAL COMMITTEE ON THE**

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STUDY ASSIGNMENT: The Committee is directed to review the Children At Risk Program under s. 118.153, Stats., including the program's focus, scope and coverage; funding structure; state-level oversight; and the possibility of greater utilization of private agency services as a means of achieving program objectives. The Special Committee shall report its recommendations to the Joint Legislative Council by May 1, 1999. [Based on a July 18, 1997 letter from Sen. Peggy Rosenzweig.]

Established and Chairperson appointed by a June 24, 1998 mail ballot; members appointed by August 21 and September 4, 1998 mail ballots.

15 MEMBERS: 2 Senators; 3 Representatives; and 10 Public Members.

LEGISLATIVE COUNCIL STAFF: Russ Whitesel, Senior Staff Attorney; Shaun Haas, Senior Staff Attorney; and Rachel Veum, Administrative Staff.

(1) Appointed by a September 4, 1998 mail ballot to replace David Titus, who was unable to serve. Mr. Brickl resigned from the Committee on February 5, 1999.

(2) Appointed by a September 4, 1998 mail ballot to replace Fermin Burgos, who was unable to serve.

(3) Originally appointed as an Assembly member; appointed to continue as a Public member by a December 10, 1998 mail ballot.

(4) Resigned from the Legislature on January 29, 1999.

APPENDIX 3

COMMITTEE MATERIALS

Staff Materials

1. Memo No. 1, *Wisconsin Children At Risk Program* (September 11, 1998).
2. Memo No. 2, *Information and Options Regarding the Children At Risk Program* (January 22, 1999).
3. Memo No. 3, *Description of WLCS: 0062/P1, Relating to Revising the Children At Risk Statute* (March 1, 1999).

Other Materials

1. Legislative Audit Bureau Report 97-12, *An Evaluation, Children At Risk Program, Department of Public Instruction (DPI)* (July 1997).
2. Handout, *Perry Model*, submitted by Mary Ann Anderson (undated).
3. Background Paper, *Safe Schools Initiative*, DPI (undated).
4. Packet of materials provided by the Legislative Audit Bureau, relating to past audits of the Children At Risk Program:
 - a. Excerpt from Legislative Audit Bureau Report 88-12, *An Audit of the Children At Risk Program* (April 1988).
 - b. Excerpt from Legislative Audit Bureau Report 89-40, *An Audit of the Children At Risk Program* (November 1989).
 - c. Excerpt from Legislative Audit Bureau Report 92-10, *Children At Risk Program* (February 1992).
 - d. Legislative Audit Bureau Report 95-1, *Children At Risk Program* (January 1995). This Audit contains a historic review of the Children At Risk Program on pp. 7 - 13.
5. Packet of materials submitted by Grandview Alternative High School in support of the Children At Risk Program (October 22, 1998).
6. Letters of support submitted to the Special Committee from various individuals (October 22, 1998).
7. Chart, *Project STAY*, Milwaukee Public Schools (MPS), submitted by Gary Finch (August 1, 1998).

8. Handout, *Spotted Eagle High School*, submitted by Carol Sample (undated).
9. Packet of materials submitted by Janice Ereth, relating to the original creation of the Children At Risk Program (October 26, 1998).
10. Letter from Michael J. Thompson, Director, Student Services Prevention and Wellness Team, DPI (October 19, 1998).
11. *Ready Schools*, prepared by The National Education Goals Panel (undated).
12. "Directory of Alternative and Partnership School Programs," MPS, Division of Small Community Schools (November 1998).
13. Packet of requested information from Mickey Beil, MPS Government Relations Specialist (November 24, 1998).
14. Handout, *Great Beginnings: The First Years Last Forever*, submitted by Wisconsin Council on Children and Families (June 1998).
15. Memorandum, *Unexpended Funding Under the Agency Contracts for the Wisconsin Works (W-2) Program and From the Child Care Program*, from Bob Lang, Director, Legislative Fiscal Bureau (November 3, 1998).
16. Letter, from John T. Benson, State Superintendent, DPI (January 28, 1999).
17. Memorandum, from Daniel Grego, Ph.D., Transcenter for Youth, Division of Educational Services (January 29, 1999).
18. Packet of materials submitted by Debbie J. Olufs relating to literacy skills and academic success of at-risk students (January 29, 1999). (Distributed to Committee Members only.)
19. Chart, *Estimated Children At Risk Aid Computations for 1998-99, Based on 1997-98 Count*, submitted by the DPI (February 18, 1999).
20. Chart, *1997-98 Dropouts by District*, submitted by the DPI (February 18, 1999).
21. Packet of materials relating to the Children At Risk Program, submitted by the DPI (February 18, 1999).